

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JESSE CHILDERS GLENN,

Petitioner,

Civil No. 05-1803-AA

v.

ORDER

GUY HALL,

Respondent.

AIKEN, District Judge.

Petitioner filed a petition under 28 U.S.C. § 2254 challenging a June 3, 2003, conviction for sex abuse. Petitioner alleges that he is "actually innocent" and that the State of Oregon put him in prison "to feed him expired food." Petitioner also alleges ineffective assistance of counsel and 6th, 8th and 14th Amendment violations.

Petitioner alleged that he did not file his conviction or pursue any state court collateral attack on his conviction.

Petitioner did not alleged any facts which establish cause or prejudice which would excuse his procedural default.

By Order (#5) entered December 7, 2005, petitioner was ordered to show cause in writing 1.) why his petition should not be denied on the ground that he failed to exhaust state remedies with respect to his claims or demonstrate cause and prejudice for his procedural default; and 2.) why this proceeding should not be dismissed on the ground it is time barred.

On December 27, 2005, petitioner filed a "Order to Show Cause" (#6) which is not responsive to the court's order. Petitioner simply argues that he is entitled to relief on the merits of his claims and that the court is "obligated to entertain my writ of habeas corpus...."

The court is not "obligated to entertain" a petition that is procedurally or time barred. Plaintiff has failed to show cause as ordered by the court. Petitioner's petition is denied on the ground that he has failed to exhaust state remedies as to his claims or demonstrate cause and prejudice for his procedural default and also on the ground that it is time barred. This proceeding is dismissed.

Plaintiff's Motion for Appointment of Counsel (#3) and

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Motion for Summary Judgment (#7) are denied as moot.

IT IS SO ORDERED

DATED this 12 day of January, 2006.

/s/ Ann Aiken
ANN AIKEN
United States District Judge